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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,509	10/17/2001	David Thompson	BRDC:036	7211

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EXAMINER	
TORRES, MARCOS L	
ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/982,509	THOMPSON ET AL.	
	Examiner	Art Unit	
	MARCOS L. TORRES	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 13-78* is/are pending in the application.

4a) Of the above claim(s) *13-72* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 73-78* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's amendment with respect to claims 1, 73 and 76 have been fully considered and overcome the previous objection or rejection respectively. The objection or rejections of claims 1, 73 and 76 have been withdrawn.

2. Applicant's arguments filed 4-9-08 have been fully considered but they are not persuasive.

3. As to applicant representative (hereinafter applicant) argument that Layson Jr. fails to disclose permission by two mobiles devices; the rejection now includes new grounds of rejection using the Drutman reference.

4. Regarding applicant amendment that Drutman server does not enable communication between the communication devices, because the communication is not between the server; it is noted that each mobile device is communicatively connected to the server [sending the GPS data] and receiving the GPS data of the matching mobile device with the user profile (see col. 8, lines 39 - col. 9, line 25), thereby enabling and permitting communication between the mobile devices.

5. Please see below for more information.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 8-10 and 73-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Drutman US 6,618,593 B1.

As to claim 1, Drutman discloses a communications network (see fig. 1), comprising: a wireless link of the network (see fig.1, item 18,20,26); a server computer [25] connected to the wireless link (see fig. 1, item 26); a first device [19] communicatively connected via the wireless link [20] to the server computer, the first client device having a first location (see fig. 2; col. 2, lines 10-39; col. 6, lines 26-41); a second device [17] communicatively connected [18, 60] to the server computer, the second client device having a second location (see fig. 2, col. 2, lines 10-39; col. 6, lines 26-41); a first identifier ascertainable to the server computer corresponding to the first location, the first client device (see col. 6, line 60 - col. 7, line 15), selectively on permission [user profile data] of the first device, communicates the first identifier to the server computer over the wireless link (see col. 7, lines 16-52); a second identifier ascertainable to the server computer corresponding to the second location, the second client device (see col. 6, line 60 - col. 7, line 15), selectively on permission [user profile data] of the second device, communicates the second identifier to the server computer over the wireless link (see col. 7, lines 16-52); wherein the server computer selectively, based on the first location and the second location, if so directed by the first device location and the second device location, permits and intermediates communications between the first client device at the first location over the wireless link and the second client device at the second location (see col. col. 7, lines 32 - col. 8, line 20, lines 39 – col. 9, line 25).

As to claim 2, Drutman discloses the communications network further comprising a detector for detecting a first location of the first client device and a second location of the second client device (see col. 8, lines 39 – col. 9, line 25).

As to claim 3, Drutman discloses the communications network wherein the detector is selected from the group consisting of: hardware of the server computer (see col. 8, lines 39 – col. 9, line 25) hardware of the first device (see col. 6, lines 26-59).

As to claim 4, Drutman discloses the communications network wherein the first client device communicates an indicator of the first location to the server computer over the wireless link (see col. 8, lines 39 – col. 9, line 25), further comprising a relator, operable in conjunction with receipt of the first identifier by the server computer, for correlating the first identifier particularly to the first client device, for selecting whether the server computer is capable of enabling [it is noted that with the amended limitation only capability is required] communications between the first device and the second device, to-enable communications between the first device at the first location communicatively connected over the wireless link to the server computer and the second device at the second location communicatively connected to the server computer and each device permitting the communication according their user profile (see col. 6, line 60 – col. 7, lines 5, 32 – col. 8, line 20).

As to claim 5, Drutman discloses the communications network wherein the wired network is the Internet (see fig. 1, item 60).

As to claim 6, Drutman discloses the wireless communications network wherein the wireless link is a cellular packet data system (GSM CDMA TDMA see col. 5, lines 36-59).

As to claim 8, Drutman discloses the wireless communications network further comprising database communicatively connected to the server computer for relating the first location to the first device and the second location to the second device and for determining whether to enable communication, via the server computer, between the first client device at the first location over the wireless link and the second client device at the second location (see col. 16, lines 29-62).

As to claim 9, Drutman discloses a method of communications, wherein a first client device has a first location and a second client device has a second location, comprising the steps of: deriving a first information relational to the first location and the first client device, if the first client device is communicatively connected to a communication server (central unit); deriving a second information relational to the second location and the second client device is communicatively connected to the communication server; intermediating communications, by virtue of the first information and the second information, between the first client device and the second client device, if the communication server favorably recognizes the first information and the first client device, on the one hand, and the second information and the second client device, on the other hand (see col. 4, lines 29-53).

As to claim 10, Drutman discloses the method wherein the step of deriving the first information comprises the steps of: performing a look-up in a relational database;

and making known the look-up result to at least one of the first client device and the second client device (see col. 4, lines 38-53).

As to claim 73, Drutman discloses the communication network further comprising a specialized protocol for communications over the wireless link, for wireless communications between the server computer and the first device (see col. 5, lines 36-59); wherein communications between the first device and the second device occurs through the server because of the specialized protocol (see col. 8, lines 39 – col. 9, line 25).

As to claim 74, Drutman discloses the communication network wherein the first location and the second location, respectively, are each maintained by the server computer in confidence to the second device and the first device, respectively (see col. 7, lines 16-52).

As to claim 75, Drutman discloses everything as explained above (see claim 74) except for the communication network wherein the first device and the second device communicate to the other first location and the second location, respectively, only if permitted to do so by the first device and the second device [profiles] (see col. 7, lines 16-52).

As to claim 76, Drutman discloses the method further comprising the steps of: communicating over the wireless link, for wireless communications between the server and the first wireless client device, by specialized protocol (see col. 5, lines 36-59); wherein communications between the first wireless client device and the second client

device occurs through the server, via a specialized protocol of communication of the first wireless client device and the server (see col. 8, lines 39 – col. 9, line 25)..

As to claim 77, Drutman discloses the communication network wherein the first location and the second location, respectively, are each maintained by the server computer in confidence to the second client device and the first client device, respectively when there is no match in the profiles (see col. 7, lines 32-52, 61-65).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman in view of Schwartz US 20020160790A1.

As to claim 7, Drutman disclose everything claimed as explained above (see claim 1) except for the wireless communications network, wherein the wireless link is a CDPD and cellular packet data system. In an analogous art, the wireless communications network wherein the wireless link is a cellular CDPD (see par. 0037). It would have been obvious to one of the ordinary skill in the art at the time of the invention to implement the wireless data link of Drutman according to the CDPD cellular packet data system standard, as suggested by Schwartz for the purpose of compatibility among handsets and systems and enhanced security.

12. Claims 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman.

As to claim 78, Drutman disclose everything as explained above (see claim 77) except for the communication network wherein the first wireless client device and the second device communicate to the other first location and the second location, respectively, only if instructed to do so by the first client device and the second device. However, OFFICIAL NOTICE IS TAKEN THAT asking permission to the user for revealing the location of a client device is a common and well-known technique used for

privacy. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to ask first for permission before sharing the information for the simple purpose of security and privacy.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be mailed to:

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Or faxed to:

571-273-8300

for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

mlt